

AMENDED IN SENATE APRIL 21, 2003

**SENATE BILL**

**No. 6**

**Introduced by Senator Alpert**  
**(Principal coauthor: Senator Florez)**  
(Coauthor: Assembly Member Liu)

December 2, 2002

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An act to amend Sections 33000, 33030, 33111, 33112, 33140, 33301, 41320.1, 41325, 41326, 41327, 41328, 66010.4, 66010.6, 66010.7, 66901, 66902, 66941, ~~70900, 70901, 70902, 71000~~ 70901, 70901.5, 70902, 71000, 71090, 71092, and 87482.4 of, to add Sections 1242, 35161.5, 35502, 66900.3, and 66901.3 to, to add Chapter 6 (commencing with Section 500) to Part 1 of, to repeal Sections 11005, 45357, 66903, 66903.2, 69563, 71090.5, 99181, and 99182 of, and to repeal and add Sections 33302 and 33303 of, the Education Code, relating to public education governance.

LEGISLATIVE COUNSEL'S DIGEST

SB 6, as amended, Alpert. Public education governance.

(1) Existing law provides for a county superintendent of schools in each county to, among other things, superintend the schools in his or her county, maintain responsibility for fiscal oversight of school districts, and enforce the course of study.

This bill would impose a state-mandated local program by requiring each county superintendent of schools to perform additional duties relating to education services, professional development, parental grievances, fiscal oversight, technology access, and facility compliance.

(2) Existing law requires several different state entities to collect various data relating to pupil achievement in prekindergarten, kindergarten through grade 12, and postsecondary education.

This bill would establish the California Education Commission to serve as the statewide education data repository. Under the bill, the commission would have ultimate responsibility for compiling data and providing analysis relating to the public education system as a whole, from prekindergarten to postsecondary education. The bill would also require the commission to coordinate communication and planning efforts between those education sectors. The bill would prescribe the membership of the commission.

(3) Existing law establishes the State Board of Education, consisting of 10 members appointed by the Governor, with the advice and consent of the Senate.

This bill would require the membership to be drawn from and represent distinct geographical regions of the state and to reflect the ethnic and gender diversity of the state's population.

(4) Existing law provides for the Superintendent of Public Instruction to superintend the schools of this state, to execute the policies decided upon by the State Board of Education, and to serve as the ex officio director of the State Department of Education.

This bill would eliminate those provisions, and instead would provide that the superintendent shall be responsible for all aspects of accountability in the public schools other than fiscal accountability, as provided.

(5) Existing law provides that the State Board of Education shall be the governing and policy determining body of the State Department of Education.

This bill, instead, would require the Governor to appoint a cabinet-level officer, known as the Chief Education Officer, to carry out all state-level education operations, management duties, and programmatic functions, and to serve as the ex officio Director of Education. The bill would make related changes.

(6) Existing law authorizes the governing board of a school district to initiate and carry on any program or activity, or to act in any manner that is not in conflict with or inconsistent with, or preempted by, any law and that is not in conflict with the purposes for which school districts are established.

This bill would impose a state-mandated local program by requiring the governing board of a school district to develop and implement



policy to effectively operate schools that are responsive to both local community needs and to state academic standards and policy priorities. Among other things, the bill would require the governing board to establish a vision for the goals and performance objectives of the school district, adopt a fiscally responsible budget based on the goals and objectives, seek partnerships with other entities and organizations, and provide support to ensure the success of its schools.

(7) Existing law authorizes a school district to be reorganized upon initiation by the electorate or upon recommendation by a county committee on school district organization.

This bill would state the intent of the Legislature to develop fiscal and governance incentives to encourage communities to organize their local schools into unified districts.

(8) Existing law provides that, when a school district becomes insolvent and accepts an emergency apportionment, the Superintendent of Public Instruction shall assume all the legal rights, duties, and powers of the governing board of the school district in order to ensure the school district's return to solvency.

This bill would instead require the Chief Education Officer to assume those rights, duties, and powers. The bill would make related changes.

(9) Existing law, known as the Donahoe Higher Education Act, sets forth, among other things, the missions and functions of California's public and independent segments of higher education, and their respective institutions of higher education. Among other things, the act establishes the California Postsecondary Education Commission as the statewide postsecondary education planning and coordinating agency and advisor to the Legislature and the Governor. Existing law requires the commission to provide data to the Legislature and the Governor through the completion and submission of various reports and studies.

This bill would generally recast and revise the statutes relating to the California Postsecondary Education Commission. The bill would delete provisions requiring the commission to perform various specified studies. The bill would set forth the primary functions of the commission, including providing of long-range planning for meeting the postsecondary education needs of Californians, providing policy and fiscal analyses regarding the most critical issues affecting the success of Californians attending postsecondary education institutions, coordinating relevant proposals of various public and private entities, advising the Legislature on appropriate accountability indicators for postsecondary education, evaluating and reporting to the Legislature



and the Governor on the performance of public postsecondary institutions, reviewing and approving new campuses for public postsecondary education, and reviewing public postsecondary academic programs.

The bill would specify that the Chancellor of the California Community Colleges, the Chancellor of the California State University, the President of the University of California, and the President of the Association of Independent California Colleges and Universities are members of the advisory committee to the commission.

The bill would require the commission to submit an annual report to the chairs of the budget committees of both houses of the Legislature and to the Legislative Analyst regarding the record of the various segments of postsecondary education in responding to the commission's requests for information.

(10) Existing law establishes the California Community Colleges under the administration of the Board of Governors of the California Community Colleges. Existing law authorizes the establishment of community college districts under the administration of local community college governing boards, and authorizes these districts to provide instruction at community college campuses throughout the state. Existing law specifies that the primary mission of the California Community Colleges is to offer academic and vocational instruction through, but not beyond, the second year of college.

This bill would ~~specify that the California Community Colleges are a public trust. The bill would~~ recast and revise the provisions relating to the primary mission of the California Community Colleges. Among other things, the bill would authorize community colleges to provide instruction at the upper division level jointly with the California State University, the University of California, or an independent or private college or university that is accredited by the Western Association of Colleges and Universities.

The bill would expand the membership of the board of governors to include *an appointee of the Speaker of the Assembly*. *The bill would include* the Governor, the Lieutenant Governor, *and* the Superintendent of Public Instruction, ~~and the Speaker of the Assembly~~ as voting members, serving ex officio.

The bill would revise and streamline the provisions relating to the duties of local community college governing boards.

(11) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state.



Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates that do not exceed \$1,000,000 statewide and other procedures for claims whose statewide costs exceed \$1,000,000.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

*The people of the State of California do enact as follows:*

1 SECTION 1. The Legislature finds and declares all of the  
2 following:  
3 (a) In order to guarantee that pupils receive the high-quality  
4 education that is promised to them, accountability must be infused  
5 throughout California's education system.  
6 (1) A meaningful system of accountability includes clear  
7 expectations and clear definitions of the roles and responsibilities  
8 of all participants, evaluation of the outcomes of efforts, and  
9 provision of the means to influence institutional and educational  
10 improvement.  
11 (2) Effective accountability requires the linkage of  
12 responsibility and authority throughout the state's education  
13 system.  
14 (3) Accountability is fostered by clearly defining the  
15 responsibilities of each participant in the system, ensuring that  
16 sufficient authority is afforded to each participant to carry out  
17 those responsibilities, and then ensuring that those responsibilities  
18 are carried out.  
19 (b) Accountability must be shared among all participants in the  
20 education process, including pupils, parents, teachers and faculty,  
21 administrators, schools, colleges, universities, governing boards,  
22 other governmental entities, and the business and civic  
23 communities, and the participants should be provided with a clear  
24 understanding of what is expected of each participant.  
25 (c) Accountability and educational improvement in California  
26 must be guided by valid, comprehensive, understandable, and

1 regularly reported data that permits useful and informed decisions  
2 and judgments to be made about pupil learning and the conditions  
3 under which pupils learn. The data should also support systematic,  
4 long-term planning by state and local entities.

5 (d) Local education agencies are uniquely situated to clearly  
6 identify the distinct and diverse needs of their pupils and  
7 communities, and to shape educational experiences to best meet  
8 those needs. Local decision making enhances the access of local  
9 residents to the policy functions of government, and that access  
10 can enhance community involvement and support in the  
11 educational process. Therefore, an appropriate degree of local  
12 control should be afforded as roles and responsibilities are  
13 delineated for participants in the education system.

14 (e) California has made significant, though insufficient,  
15 progress towards instilling greater accountability in public  
16 education. However, efforts to improve educational accountability  
17 are currently complicated by overlapping responsibilities among  
18 state, regional, and local entities. A further complication is the lack  
19 of alignment between the responsibilities assigned to various  
20 entities and the authority those entities have been provided to carry  
21 out those responsibilities. These complications must be mitigated.

22 (f) A primary responsibility of the state must be to clearly  
23 define a structure of governance for the public education system  
24 that meets the principles of accountability described in this  
25 section, that supports pupil learning, and that is sustainable.

26 SEC. 2. Chapter 6 (commencing with Section 500) is added  
27 to Part 1 of the Education Code, to read:

28  
29 CHAPTER 6. CALIFORNIA EDUCATION COMMISSION  
30

31 500. There is in the state government the California Education  
32 Commission. The California Education Commission has primary  
33 responsibility for compiling data and providing analysis relating  
34 to the public education system as a whole, including preschool,  
35 kindergarten through grade 12, and postsecondary education. The  
36 California Education Commission shall also coordinate  
37 communication and planning efforts among these education  
38 sectors.



1 501. (a) The California Education Commission shall be  
2 composed of eight members of the public, to be appointed as  
3 follows:

4 (1) Four members shall be appointed by the Governor.

5 (2) Two members shall be appointed by the Senate Committee  
6 on Rules.

7 (3) Two members shall be appointed by the Speaker of the  
8 Assembly.

9 (b) The Superintendent of Public Instruction shall serve as the  
10 chair of the California Education Commission.

11 502. (a) A member of the California Education Commission  
12 shall serve for a term of two years, and shall hold office until the  
13 appointment and qualification of his or her successor.

14 (b) ~~Two~~ *In order to achieve staggered terms among members*  
15 *of the commission, two* of the members appointed to the California  
16 Education Commission in 2003 pursuant to paragraph (1) of  
17 subdivision (a) of Section 501 shall serve one-year terms. One  
18 member ~~each~~ *initially* appointed to the California Education  
19 Commission in 2003 pursuant to paragraphs (2) and (3) of  
20 subdivision (a) of Section 501 shall serve a one-year term.

21 503. The primary duties of the California Education  
22 Commission shall include all of the following:

23 (a) Providing long-range analysis and planning for meeting the  
24 educational needs of all Californians.

25 (b) Providing policy and fiscal advice to the *Legislature, the*  
26 *Superintendent of Public Instruction, and the* Chief Education  
27 Officer based on data analysis that represents the public interest in  
28 the state's education system.

29 (c) Serving as the statewide education data repository.

30 (d) Evaluating the extent to which all public education  
31 institutions are operating consistent with state policy priorities.

32 (e) Advising the Legislature and the Governor on the potential  
33 impacts of major education policy proposals and initiatives.

34 (f) Coordinating statewide articulation of curriculum and  
35 assessment between the prekindergarten, kindergarten through  
36 grade 12, and postsecondary education sectors.

37 (g) Providing long-term planning for the development of joint  
38 and other shared use of facilities and programs between  
39 prekindergarten, kindergarten through grade 12, and  
40 postsecondary education entities.



1 (h) Sponsoring and directing intersegmental programs that  
2 benefit pupils making the transition from secondary schools to  
3 colleges and universities.

4 (i) Coordinating outreach activities among prekindergarten,  
5 kindergarten through grade 12, postsecondary education, and  
6 work-sector entities.

7 504. The California Education Commission shall compile  
8 data necessary to allow the Superintendent of Public Instruction to  
9 assess the effectiveness of educational programs for elementary  
10 pupils and to integrate the data with other efforts to assess the  
11 Academic Performance Index.

12 505. It is the intent of the Legislature to identify and  
13 implement effective mechanisms to compel all agencies with  
14 responsibility for gathering and maintaining comprehensive data  
15 on one or more aspects of the state's education system, preschool  
16 through university, to submit data to the California Education  
17 Commission.

18 SEC. 3. Section 1242 is added to the Education Code, to read:

19 1242. Each county ~~superintendent of schools~~ *office of*  
20 *education* shall do all of the following:

21 (a) Provide educational services directly to pupils that attend  
22 small school districts, as defined by subdivision (c) of Section  
23 44046, that are not able to provide a comprehensive array of  
24 curricular offerings or learning support.

25 (b) Provide professional development to, or facilitate the  
26 provision of professional development for, education personnel in  
27 school districts requesting these services.

28 (c) Serve, *when authorized by law*, as the appellate body for  
29 parents or guardians who disagree with a decision of the  
30 governing board of a school district.

31 (d) Monitor fiscal decisions of the school districts in the county  
32 and, if necessary, intervene to prevent bankruptcy.

33 (e) Serve as the primary catalyst and facilitating officer to  
34 ensure that all public schools in the county have access to a  
35 technology infrastructure that enables electronic exchange of  
36 information and educational materials.

37 (f) Monitor the facility decisions of the school districts in the  
38 county to ensure that every school district maintains facilities that  
39 comply with state law.

40 SEC. 4. Section 11005 of the Education Code is repealed.



SEC. 5. Section 33000 of the Education Code is amended to read:

33000. (a) There is in the state government a State Board of Education, consisting of 10 members, who are appointed by the Governor with the advice and consent of two-thirds of the Senate.

(b) The membership of the State Board of Education shall be drawn from, and represent, distinct geographical regions of the state, and shall reflect the ethnic and gender diversity of the state's population.

SEC. 6. Section 33030 of the Education Code is amended to read:

33030. The function of the board shall be limited to determining policy matters specified in law.

SEC. 7. Section 33111 of the Education Code is amended to read:

33111. The Superintendent of Public Instruction shall be responsible for all aspects of accountability in the public schools other than fiscal accountability. In ensuring accountability, the Superintendent of Public Instruction shall do all of the following:

(a) Provide for and manage a comprehensive accountability system of pupil and institutional measurement that includes governance and policy instruments that aim to ensure adequate and equitable education.

(b) Ensure compliance with special education and civil rights laws by all relevant participants in the education system.

(c) Monitor the impact of state policy on the success of local kindergarten through grade 12 programs in fostering pupil achievement.

(d) Monitor the implementation of state and federal programs to ensure that they meet the needs of all targeted pupils.

(e) Publicly identify schools that fail to meet pupil achievement targets.

(f) Define and implement a process for intervention in schools that fail to meet pupil achievement targets.

(g) Serve as an advisor to the Legislature and the Governor on academic accountability, and act as an advocate to promote the state's Master Plan for Education and system accountability.

(h) Act as the independent spokesperson for California's populace, and pupils in particular, on public discourse on educational issues.

1 SEC. 8. Section 33112 of the Education Code is amended to  
2 read:

3 33112. The Superintendent of Public Instruction shall deliver  
4 over, at the expiration of his or her term of office, on demand, to  
5 his or her successor, all property, books, documents, maps,  
6 records, reports, and other papers belonging to his or her office, or  
7 which may have been received by him or her for the use of his or  
8 her office.

9 SEC. 9. Section 33140 of the Education Code is amended to  
10 read:

11 33140. The duties of the Deputy Superintendent of Public  
12 Instruction and of the associate superintendents of public  
13 instruction appointed by the State Board of Education under  
14 Section 2.1 of Article IX of the Constitution of this state shall be  
15 those assigned to them by the Chief Education Officer.

16 SEC. 10. Section 33301 of the Education Code is amended to  
17 read:

18 33301. The State Department of Education shall be  
19 administered through the Director of Education, who is the  
20 governing and policy determining officer of the department, and  
21 in whom all executive and administrative functions of the  
22 department are vested.

23 SEC. 11. Section 33302 of the Education Code is repealed.

24 SEC. 12. Section 33302 is added to the Education Code, to  
25 read:

26 33302. (a) The Governor shall appoint a cabinet level officer,  
27 known as the Chief Education Officer, who shall carry out all  
28 state-level education operations, management duties, and  
29 programmatic functions, and serve as the ex officio Director of  
30 Education.

31 (b) The Chief Education Officer shall have authority over the  
32 operations of the prekindergarten through grade 12 public  
33 education system at large, and shall have ultimate responsibility  
34 for the delivery of education to pupils attending those schools.

35 (c) The duties of the Chief Education Officer include all of the  
36 following:

37 (1) Apportioning resources to schools to support teaching and  
38 learning pursuant to statutory and budgetary direction.

39 (2) Managing a statewide financial accountability program,  
40 and overseeing local school district fiscal audit reviews.



1 (3) Establishing education standards and other learning  
2 expectations for pupils, and adopting a periodic review process to  
3 modify those standards and expectations when necessary.

4 (4) Establishing developmentally appropriate programs and  
5 operating standards for early childhood education, and requiring  
6 continuity between the programs and standards for preschool and  
7 kindergarten.

8 (5) Administering school improvement programs.

9 (6) Promoting an understanding of effective uses of data to  
10 improve pupil learning.

11 (7) Making recommendations to the Legislature regarding the  
12 most appropriate state office or officer that should be responsible  
13 for the adoption of textbooks for kindergarten through grade 8.

14 SEC. 13. Section 33303 of the Education Code is repealed.

15 SEC. 14. Section 33303 is added to the Education Code, to  
16 read:

17 33303. The Chief Education Officer shall do all of the  
18 following:

19 (a) Prepare, have printed, and furnish to teachers and to all  
20 officers charged with the administration of the laws relating to the  
21 public schools, the blank forms and books necessary to the  
22 discharge of their duties, including blank teachers' certificates to  
23 be used by county and city and county boards of education.

24 (b) Authenticate, with his or her official seal, all drafts or orders  
25 drawn by him or her, and all papers and writings issued from his  
26 or her office.

27 (c) Have bound, at the state bindery, all valuable school reports,  
28 journals, and documents in his or her office, or received by him or  
29 her.

30 (d) *Deliver over, on demand, at the expiration of his or her term*  
31 *of office, to his or her successor, all property, books, documents,*  
32 *maps, records, reports, and other papers belonging to his or her*  
33 *office, or which may have been received by him or her for the use*  
34 *of his or her office.*

35 (e) Designate and appoint, or terminate the designation and  
36 appointment of, any officer or employee of the department to have  
37 the powers and liabilities of a deputy, including designation  
38 pursuant to Section 7.9 of the Government Code, which  
39 appointment and termination of appointment shall be effective  
40 when filed in writing in the office of the Secretary of State.

1 ~~(e)~~—

2 (f) Annually inform the governing boards of school districts of  
3 the provisions of Section 60510.5.

4 SEC. 15. Section 35161.5 is added to the Education Code, to  
5 read:

6 35161.5. The governing board of a school district shall  
7 develop and implement policies to effectively operate schools that  
8 are responsive to both local community needs and to state  
9 academic standards and policy priorities. In developing and  
10 implementing these policies, the governing board shall do all of  
11 the following:

12 (a) Establish a vision for the goals and performance objectives  
13 of the school district.

14 (b) Develop and adopt a policy to implement local, state, and  
15 federal goals, and to implement academic requirements for the  
16 prekindergarten through grade 12 system, as a whole, within the  
17 local context.

18 (c) Recruit highly qualified individuals for senior level  
19 positions.

20 (d) Ensure that the school district superintendent is meeting the  
21 goals and performance objectives of the district, and ensure that  
22 the school district superintendent holds district personnel  
23 accountable.

24 (e) Adopt a fiscally responsible budget based on the district's  
25 goals and objectives, and regularly monitor the fiscal health of the  
26 district.

27 (f) Allocate available resources within the district so as to  
28 balance basic needs, including appropriate staffing, security, and  
29 cleanliness, and allocate additional educational resources  
30 identified pursuant to the Quality Education Model to be  
31 developed pursuant to Part 38 (commencing with Section 64200).

32 (g) Establish a framework for the district's collective  
33 bargaining process, if any, in conformity with law and adopt  
34 responsible agreements that reflect the interests of the public.

35 (h) Adopt a curriculum for the district in accordance with state  
36 standards and monitor pupil progress.

37 (i) Provide support, as necessary, to ensure the success of  
38 schools within the district.



1 (j) Collaborate and seek partnerships with other local  
2 government entities, local employers, postsecondary education  
3 institutions, and community organizations.

4 (k) With particular regard to middle and secondary schools,  
5 promote locally tailored efforts to achieve and maintain high rates  
6 of pupil attendance.

7 SEC. 16. Section 35502 is added to the Education Code, to  
8 read:

9 35502. (a) It is the intent of the Legislature to develop fiscal  
10 and governance incentives to encourage communities to organize  
11 their local schools into unified districts.

12 (b) It is also the intent of the Legislature to eliminate all  
13 disincentives relative to school district unification.

14 SEC. 17. Section 41320.1 of the Education Code is amended  
15 to read:

16 41320.1. Acceptance by the district of the apportionments  
17 made pursuant to Section 41320 shall constitute agreement by the  
18 district to all of the following conditions:

19 (a) The Chief Education Officer shall appoint a trustee who has  
20 recognized expertise in management and finance and may employ,  
21 on a short-term basis, any staff necessary to assist the trustee,  
22 including, but not limited to, certified public accountants, as  
23 follows:

24 (1) The expenses incurred by the trustee and any necessary staff  
25 shall be borne by the district.

26 (2) The Chief Education Officer shall establish the terms and  
27 conditions of the employment, including the remuneration of the  
28 trustee. The trustee shall serve at the pleasure of, and report  
29 directly to, the Chief Education Officer.

30 (3) The trustee, and any necessary staff, shall serve until the  
31 loan called for by this section is repaid, the district has adequate  
32 fiscal systems and controls in place, and the Chief Education  
33 Officer has determined that the district's future compliance with  
34 the fiscal plan approved for the district under Section 41320 is  
35 probable.

36 (4) Before the district repays the loan, including interest, the  
37 recipient of the loan shall select an auditor from a list established  
38 by the Chief Education Officer and the Controller to conduct an  
39 audit of its fiscal systems. If the fiscal systems are deemed to be  
40 inadequate, the Chief Education Officer may retain the trustee

1 until the deficiencies are corrected. The cost of this audit and any  
2 additional cost of the trustee shall be borne by the district.

3 (5) Notwithstanding any other law, all reports submitted to the  
4 trustee shall be public records.

5 (6) To facilitate the appointment of the trustee and the  
6 employment of any necessary staff, for the purposes of this  
7 section, the Chief Education Officer is exempt from the  
8 requirements of Article 6 (commencing with Section 999) of  
9 Chapter 6 of Division 4 of the Military and Veterans Code and Part  
10 2 (commencing with Section 10100) of the Public Contracts Code.

11 (7) Notwithstanding any other law, the Chief Education Officer  
12 may appoint an employee of the State Department of Education to  
13 act as trustee for up to the duration of the trusteeship. The salary  
14 and benefits of that employee shall be established by the Chief  
15 Education Officer and paid by the school district. During the time  
16 of appointment, the employee shall be deemed an employee of the  
17 school district, but shall remain in the same retirement system  
18 under the same plan as if the employee had remained in the  
19 department. Upon the expiration or termination of the  
20 appointment, the employee shall have the right to return to his or  
21 her former position, or to a position at substantially the same level  
22 as that position, with the department. The time served in the  
23 appointment shall be counted for all purposes as if the employee  
24 had served that time in his or her former position with the  
25 department.

26 (b) The trustee appointed by the Chief Education Officer shall  
27 monitor and review the operation of the district. During the period  
28 of his or her service, the trustee may stay or rescind any action of  
29 the local district governing board that, in the judgment of the  
30 trustee, may affect the financial condition of the district. The Chief  
31 Education Officer may establish timelines and prescribe formats  
32 for reports and other materials to be used by the trustee to monitor  
33 and review the operations of the district. The trustee shall approve  
34 or reject all reports and other materials required from the district  
35 as a condition of receiving the apportionment. The Chief  
36 Education Officer, upon the recommendation of the trustee, may  
37 reduce any apportionment to the district in an amount up to two  
38 hundred dollars (\$200) per day for each late or unacceptable report  
39 or other material required under Part 24 (commencing with  
40 Section 41000), and shall report to the Legislature any failure of

1 the district to comply with the requirements of this section. If the  
2 Chief Education Officer determines, at any time, that the fiscal  
3 plan approved for the district under Section 41320 is  
4 unsatisfactory, he or she may modify the plan as necessary, and the  
5 district shall comply with the plan as modified.

6 (c) At the request of the Chief Education Officer, the Controller  
7 shall transfer to the State Department of Education, from any  
8 apportionment to which the district would otherwise have been  
9 entitled pursuant to Section 42238, the amount necessary to pay  
10 the expenses incurred by the trustee and any associated costs  
11 incurred by the county superintendent of schools.

12 (d) For the fiscal year in which the apportionments are  
13 disbursed and each year thereafter, the Controller, or his or her  
14 designee, shall cause an audit to be conducted of the books and  
15 accounts of the district, in lieu of the audit required by Section  
16 41020. At the Controller's discretion, the audit may be conducted  
17 by the Controller, his or her designee, or an auditor selected by the  
18 district and approved by the Controller. The costs of these audits  
19 shall be borne by the district. These audits shall be required until  
20 the Controller determines, in consultation with the Chief  
21 Education Officer, that the district is financially solvent, but in no  
22 event earlier than one year following the implementation of the  
23 plan or later than the time the apportionment made is repaid,  
24 including interest. In addition, the Controller shall conduct quality  
25 control reviews pursuant to subdivision (c) of Section 14504.2.

26 (e) For all purposes of errors and omissions liability insurance  
27 policies, the trustee appointed pursuant to this section shall be  
28 deemed to be an employee of the local education agency to which  
29 he or she is assigned. For the purpose of workers' compensation  
30 benefits, the trustee shall be deemed an employee of the local  
31 education agency to which he or she is assigned, except that a  
32 trustee appointed pursuant to paragraph (7) of subdivision (a) shall  
33 be deemed an employee of the State Department of Education for  
34 that purpose.

35 (f) Except for an individual appointed by the Chief Education  
36 Officer as trustee pursuant to paragraph (7) of subdivision (a), the  
37 state-appointed trustee shall be a member of the State Teachers'  
38 Retirement System, if qualified, for the period of service as trustee,  
39 unless the trustee elects in writing not to become a member. A  
40 person who is a member or retirant of the State Teachers'



1 Retirement System at the time of appointment shall continue to be  
2 a member or retirant of the system for the duration of the  
3 appointment. If the trustee chooses to become a member or is  
4 already a member, the trustee shall be placed on the payroll of the  
5 school district for the purposes of providing appropriate  
6 contributions to the system. The Chief Education Officer may also  
7 require that any individual appointed as trustee pursuant to  
8 paragraph (7) of subdivision (a) be placed on the payroll of the  
9 school district for purposes of remuneration, other benefits, and  
10 payroll deductions. For the purpose of workers' compensation  
11 benefits, the state-appointed trustee is deemed an employee of the  
12 local education agency to which he or she is assigned, except that  
13 a trustee who is appointed pursuant to paragraph (7) of subdivision  
14 (a) is deemed an employee of the State Department of Education  
15 for that purpose.

16 SEC. 18. Section 41325 of the Education Code is amended to  
17 read:

18 41325. (a) The Legislature finds and declares that when a  
19 school district becomes insolvent and requires an emergency  
20 apportionment from the state in the amount designated in this  
21 article, it is necessary that the Chief Education Officer assume  
22 control of the district in order to ensure the district's return to fiscal  
23 solvency.

24 (b) It is the intent of the Legislature that the Chief Education  
25 Officer, operating through an appointed administrator, do all of the  
26 following:

27 (1) Implement substantial changes in the district's fiscal  
28 policies and practices, including, if necessary, the filing of a  
29 petition under Chapter 9 of the federal Bankruptcy Act (11 U.S.C.  
30 Sec. 901 et seq.) for the adjustment of indebtedness.

31 (2) Revise the district's educational program to reflect realistic  
32 income projections, in response to the dramatic effect of the  
33 changes in fiscal policies and practices upon educational program  
34 quality and the potential for the success of all pupils.

35 (3) Encourage all members of the school community to accept  
36 a fair share of the burden of the district's fiscal recovery.

37 (4) Consult, for the purposes described in this subdivision, with  
38 the school district governing board, the exclusive representatives  
39 of the employees of the district, parents, and the community.



1 (5) Consult with and seek recommendations from the county  
2 superintendent of schools for the purposes described in this  
3 subdivision.

4 SEC. 19. Section 41326 of the Education Code is amended to  
5 read:

6 41326. (a) Notwithstanding any other provision of this code,  
7 the acceptance by a school district of an apportionment made  
8 pursuant to Section 41320 that exceeds an amount equal to 200  
9 percent of the amount of the reserve recommended for that district  
10 under the standards and criteria adopted pursuant to Section 33127  
11 shall constitute agreement by the district to the conditions set forth  
12 in this article. Prior to applying for an emergency apportionment  
13 in the amount identified in this subdivision, a school district  
14 governing board shall discuss the need for that apportionment at  
15 a regular or special meeting of the governing board and, at that  
16 meeting, shall receive testimony regarding the apportionment  
17 from parents, exclusive representatives of employees of the  
18 district, and other members of the community. For purposes of this  
19 article, “qualifying school district” means a school district that  
20 accepts a loan as described in this subdivision.

21 (b) The Chief Education Officer shall assume all the legal  
22 rights, duties, and powers of the governing board of a qualifying  
23 school district. The Chief Education Officer, in consultation with  
24 the county superintendent of schools, may appoint an  
25 administrator to act on his or her behalf in exercising the authority  
26 described in this subdivision and may, on a short-term basis  
27 employ any staff necessary to assist the administrator, including,  
28 but not limited to, a certified public accountant, as follows:

29 (1) The state-appointed administrator shall serve under the  
30 direction and supervision of the Chief Education Officer until  
31 terminated by the Chief Education Officer at his or her discretion.  
32 The Chief Education Officer shall consult with the county  
33 superintendent of schools before terminating the administrator.

34 (2) The state-appointed administrator shall have recognized  
35 expertise in management and finance.

36 (3) To facilitate the appointment of the administrator and the  
37 employment of any necessary staff, for the purposes of this  
38 section, the Chief Education Officer is exempt from the  
39 requirements of Article 6 (commencing with Section 999) of

1 Chapter 6 of Division 4 of the Military and Veterans Code and Part  
2 2 (commencing with Section 10100) of the Public Contracts Code.

3 (4) Notwithstanding any other law, the Chief Education Officer  
4 may appoint an employee of the State Department of Education to  
5 act as administrator for up to the duration of the administratorship.  
6 The salary and benefits of that employee shall be established by the  
7 Chief Education Officer and paid by the school district. During the  
8 time of appointment, the employee shall be deemed an employee  
9 of the school district, but shall remain in the same retirement  
10 system under the same plan as if the employee had remained in the  
11 department. Upon the expiration or termination of the  
12 appointment, the employee shall have the right to return to his or  
13 her former position, or to a position at substantially the same level  
14 as that position, with the department. The time served in the  
15 appointment shall be counted for all purposes as if the employee  
16 had served that time in his or her former position with the  
17 department.

18 (c) For the period of time during which the Chief Education  
19 Officer exercises the authority described in subdivision (b), the  
20 governing board of the qualifying school district shall serve as an  
21 advisory body reporting to the state-appointed administrator, in  
22 which capacity no member of the governing board shall be paid or  
23 entitled to any stipend, benefits, or other compensation.

24 (d) Notwithstanding Section 35031 or any other law, the  
25 employment of any district superintendent of schools, or deputy,  
26 associate, or assistant superintendent of schools, or other person  
27 employed in an equivalent capacity, whose duties include  
28 overseeing, managing, or otherwise directing the fiscal and  
29 budgetary operations of the school district, and who is employed  
30 by a school district under a contract of employment signed or  
31 renewed after the effective date of this article may be terminated  
32 by the state-appointed administrator, in accordance with  
33 appropriate notice and hearing procedures, if the employee fails to  
34 document, to the satisfaction of the state-appointed administrator,  
35 that prior to the date of that acceptance he or she either advised the  
36 governing board of the district, or his or her superior, that actions  
37 contemplated or taken by the governing board could result in the  
38 fiscal insolvency of the district, or took other appropriate action to  
39 avert that fiscal insolvency.



(e) The authority of the Chief Education Officer, and the state-appointed administrator, under this section shall continue until all of the following occur:

(1) Two complete fiscal years have elapsed following the district's acceptance of a loan as described in subdivision (a), or, at any time after one complete fiscal year has elapsed following that acceptance, the state-appointed administrator determines, and so notifies the Chief Education Officer, that future compliance by the school district with the recovery plans approved pursuant to paragraph (2) is probable.

(2) The Chief Education Officer has approved all of the recovery plans referred to in subdivision (a) of Section 41327.

(3) The state-appointed administrator certifies that all necessary collective bargaining agreements have been negotiated and ratified, and that the agreements are consistent with the terms of the recovery plans.

(4) The district has completed all reports required by the Chief Education Officer.

(5) The Chief Education Officer determines that future compliance by the school district with the recovery plans approved pursuant to paragraph (2) is probable.

(f) When the conditions stated in subdivision (e) have been met, the school district governing board shall regain all of its legal rights, duties, and powers, except for the powers held by the trustee provided for pursuant to Article 2 (commencing with Section 41320). The Chief Education Officer shall then appoint a trustee under Section 41320.1 to monitor and review the operations of the district until the conditions of subdivision (b) of that section have been met.

(g) Notwithstanding subdivision (f), if the district violates any provision of the recovery plans approved by the Chief Education Officer pursuant to this article, the Chief Education Officer may reassume, either directly or through an administrator appointed in accordance with this section, all of the legal rights, duties, and powers of the governing board of the district. The Chief Education Officer shall return to the school district governing board all of its legal rights, duties, and powers reassumed under this subdivision when he or she determines that future compliance with the approved recovery plans is probable, or after a period of one year, whichever occurs later.

1 (h) Article 2 (commencing with Section 41320) shall apply  
2 except as otherwise specified in this article.

3 (i) It is the intent of the Legislature that the legislative budget  
4 subcommittees annually conduct a review of each qualifying  
5 school district that includes an evaluation of the financial  
6 condition of the district, the impact of the recovery plans upon the  
7 district's educational program, and the efforts made by the  
8 state-appointed administrator to obtain input from the community  
9 and the governing board of the district.

10 SEC. 20. Section 41327 of the Education Code is amended to  
11 read:

12 41327. (a) In accordance with timelines, instructions, and a  
13 format established by the Chief Education Officer, the  
14 state-appointed administrator shall prepare or obtain the following  
15 reports and plans:

16 (1) A management review and recovery plan.

17 (2) A multiyear financial recovery plan. The multiyear  
18 financial recovery plan shall include a plan, to be submitted  
19 annually on or before July 1, to repay to the state any and all loans  
20 owed by the district. Pursuant to the multiyear financial recovery  
21 plan, the repayment by the district of any state loans shall comply  
22 with all of the following, notwithstanding any provision of Article  
23 2 (commencing with Section 41320):

24 (A) The loan or loans shall be repaid over a period of no more  
25 than 10 years following the initial disbursement of moneys under  
26 a loan as described in subdivision (a) of Section 41326. The  
27 repayment of the loan or loans shall commence not later than the  
28 fiscal year following the year in which the loan described in that  
29 subdivision is made.

30 (B) Interest shall accrue on the loan or loans as of the date the  
31 funds are received, at the average annual investment rate of the  
32 pooled investment account.

33 (3) During the period of service by the state-appointed  
34 administrator, an annual report on the financial condition of the  
35 district, including, but not necessarily limited to, all of the  
36 following information:

37 (A) Specific actions taken to reduce district expenditures or  
38 increase income to the district, and the amount of the resulting cost  
39 savings and increases in income.

1 (B) A copy of the adopted district budget for the current fiscal  
2 year.

3 (C) The amount of the district budgetary reserve.

4 (D) The status of employee contracts.

5 (E) Any obstacles to the implementation of the recovery plans  
6 described in paragraphs (1) and (2).

7 (b) Each of the reports or plans required under this section, or  
8 under any other provision of law that requires the district to  
9 prepare reports or plans, shall be submitted to the Chief Education  
10 Officer for approval, after his or her consideration of comments  
11 and recommendations of the county superintendent of schools.  
12 The Chief Education Officer may accept and approve, for the  
13 purposes of this section, any reports or plans that were prepared by  
14 or for the district prior to the district's acceptance of a loan as  
15 described in subdivision (a) of Section 41326.

16 (c) With the approval of the Chief Education Officer, the  
17 state-appointed administrator may enter into agreements on behalf  
18 of the district and, subject to any contractual obligation of the  
19 district, change any existing district rules, regulations, policies, or  
20 practices as necessary for the effective implementation of the  
21 recovery plans referred to in subdivision (a).

22 SEC. 21. Section 41328 of the Education Code is amended to  
23 read:

24 41328. (a) The school district shall bear 60 percent, and the  
25 county office of education of the county in which the district is  
26 located shall bear 40 percent, not to exceed three times the amount  
27 of funding made available to implement Article 2 (commencing  
28 with Section 42120) of Chapter 6, of all costs associated with  
29 implementing the provisions of this article, including, as to a loan  
30 as described in subdivision (a) of Section 41326, the provisions of  
31 Article 2 (commencing with Section 41320). The Chief Education  
32 Officer shall withhold from the apportionments to be made from  
33 the State School Fund to the district and to the county office of  
34 education, respectively, the amounts due pursuant to this  
35 subdivision. The costs referred to in this subdivision do not include  
36 the principal and interest on the emergency apportionment, which  
37 shall be paid by the district in accordance with this article.

38 (b) Notwithstanding subdivision (a), the district receiving the  
39 loan shall pay all costs associated with the implementation of this  
40 article, if either of the following occurs:

(1) The county office of education, in which the district is located, seeks and is granted a waiver from the State Board of Education based on financial hardship. The waiver may be granted if the state board finds that the payment of the costs required by subdivision (a) will compel the county office of education to seek a loan from the Legislature in order to meet its financial obligations. As part of the waiver request, the county superintendent of schools and the county board of education shall both certify that the financial hardship exists. The waiver is only applicable in the fiscal year in which it is granted.

(2) The county office of education, in which the district is located, seeks and is granted a waiver from the state board based on its implementation and compliance with Sections 42127, 42127.1, 42127.2, 42127.3, 42127.6, and 42131. This waiver shall be applicable until the loan is paid off by the district.

(c) In order to determine whether to grant either of the waivers allowed in subdivision (b), the state board shall receive input and recommendations exclusively from the district, the county office involved, and the county office fiscal crisis and management assistance team established by Section 42127.8. This input shall include, but not be limited to, the reasons the waiver should or should not be granted.

(d) The state-appointed administrator shall be deemed an employee of the qualifying school district for all purposes of errors and omissions liability insurance policies.

(e) Except for an individual appointed as administrator by the Chief Education Officer pursuant to paragraph (4) of subdivision (b) of Section 41326, an administrator appointed pursuant to that section shall be a member of the State Teachers' Retirement System, if qualified, for the period of service as administrator, unless the administrator elects in writing not to become a member. A person who is a member or retirant of the State Teachers' Retirement System at the time of appointment shall continue to be a member or retirant of the system for the duration of the appointment. If the administrator chooses to become a member or is already a member, the administrator shall be placed on the payroll of the school district for the purposes of providing appropriate contributions to the system. The Chief Education Officer may also require that any individual appointed as administrator pursuant to Section 41326 be placed on the payroll



1 of the school district for purposes of remuneration, other benefits,  
2 and payroll deductions. For the purpose of workers' compensation  
3 benefits, the state-appointed administrator shall be deemed an  
4 employee of the local education agency to which he or she is  
5 assigned, except that an administrator appointed pursuant to  
6 paragraph (4) of subdivision (b) of Section 41326 shall be deemed  
7 an employee of the State Department of Education for that  
8 purpose.

9 (f) This section shall become operative on July 1, 1993.

10 SEC. 22. Section 45357 of the Education Code is repealed.

11 SEC. 23. Section 66010.4 of the Education Code is amended  
12 to read:

13 66010.4. The missions and functions of California's public  
14 and independent segments, and their respective institutions of  
15 higher education shall be differentiated as follows:

16 (a) (1) The California Community Colleges shall, as a primary  
17 mission, offer instruction in the general or liberal arts or sciences  
18 through, but not beyond the second year of college, except that  
19 these institutions may provide instruction at the upper division  
20 level jointly with the California State University, the University of  
21 California, or an independent or private college or university that  
22 is accredited by the Western Association of Colleges and  
23 Universities. Community colleges shall provide education,  
24 training, and services that advance California's economic growth,  
25 and vocational and technical instruction leading to employment,  
26 as well as community services. Community college instruction  
27 shall lead to the granting of the associate in arts or the associate in  
28 science degree, or to transfer to other institutions.

29 (2) In addition to the primary mission of academic and  
30 vocational instruction, the community colleges shall offer  
31 instruction and courses to achieve all of the following:

32 (A) The provision of remedial instruction for those in need of  
33 it and, in conjunction with the school districts, instruction in  
34 English as a second language, adult noncredit instruction, and  
35 support services which help students succeed at the postsecondary  
36 level are reaffirmed and supported as essential and important  
37 functions of the community colleges.

38 (B) The provision of adult noncredit education curricula in  
39 areas defined as being in the state's interest is an essential and  
40 important function of the community colleges.

1 (C) The provision of community services courses and  
2 programs is an authorized function of the community colleges so  
3 long as their provision is compatible with an institution's ability  
4 to meet its obligations in its primary missions.

5 (3) A primary mission of the California Community Colleges  
6 is to advance California's economic growth and global  
7 competitiveness through education, training, and services that  
8 contribute to continuous workforce improvement.

9 (4) The community colleges may conduct, to the extent that  
10 state funding is provided, institutional research concerning student  
11 learning and retention as is needed to facilitate their educational  
12 missions.

13 (b) The California State University shall offer undergraduate  
14 and graduate instruction through the master's degree in the liberal  
15 arts and sciences and professional education, including teacher  
16 education. Presently established two-year programs in agriculture  
17 are authorized, but other two-year programs shall be permitted  
18 only when mutually agreed upon by the Trustees of the California  
19 State University and the Board of Governors of the California  
20 Community Colleges. The doctoral degree may be awarded jointly  
21 with the University of California, as provided in subdivision (c)  
22 and pursuant to Section 66904. The doctoral degree may also be  
23 awarded jointly with one or more independent institutions of  
24 higher education, provided that the proposed doctoral program is  
25 approved by the California Postsecondary Education  
26 Commission. Research, scholarship, and creative activity in  
27 support of its undergraduate and graduate instructional mission is  
28 authorized in the California State University and shall be  
29 supported by the state. The primary mission of the California State  
30 University is undergraduate and graduate instruction through the  
31 master's degree.

32 (c) The University of California may provide undergraduate  
33 and graduate instruction in the liberal arts and sciences and in the  
34 professions, including the teaching professions. It shall have  
35 exclusive jurisdiction in public higher education over instruction  
36 in the profession of law and over graduate instruction in the  
37 professions of medicine, dentistry, and veterinary medicine. It has  
38 the sole authority in public higher education to award the doctoral  
39 degree in all fields of learning, except that it may agree with the  
40 California State University to award joint doctoral degrees in



1 selected fields. The University of California shall be the primary  
2 state-supported academic agency for research.

3 (d) The independent institutions of higher education shall  
4 provide undergraduate and graduate instruction and research in  
5 accordance with their respective missions.

6 SEC. 24. Section 66010.6 of the Education Code is amended  
7 to read:

8 66010.6. The missions of agencies charged with  
9 coordination, administration, or implementation of higher  
10 education policies and programs in California shall be as follows:

11 (a) (1) The California Postsecondary Education Commission  
12 is the statewide postsecondary education coordinating and  
13 planning agency. The commission shall serve as a principal fiscal  
14 and program advisor to the Governor and the Legislature on  
15 postsecondary educational policy.

16 (2) The California Postsecondary ~~education~~ *Education*  
17 Commission shall consult with the postsecondary educational  
18 segments and with relevant state agencies, including the Student  
19 Aid Commission, the Superintendent of Public Instruction, and  
20 other relevant parties, in its preparation of analyses and  
21 recommendations to the Governor and the Legislature. However,  
22 the commission shall remain an independent and nonpartisan body  
23 responsible for providing an integrated and segmentally unbiased  
24 view for purposes of state policy formulation and evaluation.

25 (b) (1) The Student Aid Commission is the primary state  
26 agency for the administration of state-authorized student financial  
27 aid programs available to students attending all segments of  
28 postsecondary education. These programs include grant, work  
29 study, and loan programs supported by the state and the federal  
30 government.

31 (2) Consistent with this responsibility, the Student Aid  
32 Commission shall provide, in consultation with the postsecondary  
33 education segments and relevant state agencies, policy leadership  
34 on student financial aid issues, evaluate the effectiveness of its  
35 programs, conduct research and long-range planning as a  
36 foundation for program improvement, report on total state  
37 financial aid needs, and disseminate information to students and  
38 their families.

39 SEC. 25. Section 66010.7 of the Education Code is amended  
40 to read:

1 66010.7. (a) The Legislature, through the enactment of this  
2 section, expresses its commitment to encourage and support  
3 collaboration and coordination among all segments of education.

4 (b) Within the differentiation of segmental functions outlined  
5 in this article, the institutions of higher education shall undertake  
6 intersegmental collaboration and coordination particularly when  
7 it can do any of the following:

8 (1) Enhance the achievement of the institutional missions  
9 shared by the segments.

10 (2) Provide more effective planning of postsecondary  
11 education on a statewide basis.

12 (3) Facilitate achievement of the goals of educational equity.

13 (4) Enable public and independent higher education to meet  
14 more effectively the educational needs of a geographic region.

15 (5) Facilitate student progress from one segment to another,  
16 particularly with regard to preparation of students for higher  
17 education as well as the transfer from the California Community  
18 Colleges to four-year institutions.

19 (c) The leaders responsible for public and independent  
20 institutions of higher education and the Superintendent of Public  
21 Instruction shall work together to promote and facilitate the  
22 development of intersegmental programs and other cooperative  
23 efforts aimed at improving the progress of students through the  
24 educational systems and at strengthening the teaching profession  
25 at all levels.

26 SEC. 26. Section 66900.3 is added to the Education Code, to  
27 read:

28 66900.3. The primary functions of the commission include all  
29 of the following:

30 (a) Providing long-range planning for meeting the  
31 postsecondary education needs of Californians, including the  
32 adequate provision of facilities, programs, and campuses, and  
33 assessing and advising state policymakers regarding priorities  
34 dictated by current and evolving public needs.

35 (b) Providing policy and fiscal analyses regarding the most  
36 critical issues affecting the success of Californians in attending and  
37 graduating from postsecondary education institutions.

38 (c) Coordinating the analyses, policy recommendations, and  
39 long-range planning proposals of various public and private  
40 entities, as needed, to secure the long-term fiscal stability and

1 public financing of public postsecondary education, including the  
2 development of student fee and financial aid policies and the  
3 efficient use of state resources across segmental boundaries.

4 (d) Advising the Legislature on appropriate accountability  
5 indicators for postsecondary education, to be adopted in statute,  
6 and subsequently reporting annually to the Legislature and the  
7 Governor on the performance of public postsecondary institutions  
8 in meeting the adopted indicators.

9 (e) Evaluating and reporting to the Legislature and the  
10 Governor on the extent to which public postsecondary education  
11 institutions are operating consistently with state policy priorities  
12 and discharging the responsibilities assigned to them in statute.

13 (f) Reviewing and approving new campuses for public  
14 postsecondary education.

15 (g) Reviewing academic programs for public postsecondary  
16 education institutions.

17 SEC. 27. Section 66901 of the Education Code is amended to  
18 read:

19 66901. There is hereby created the California Postsecondary  
20 Education Commission, which shall be advisory to the Governor,  
21 the Legislature, other appropriate governmental officials, and  
22 institutions of postsecondary education. The commission shall be  
23 composed of the following members:

24 (a) One representative of the Regents of the University of  
25 California designated by the regents, one representative of the  
26 Trustees of the California State University designated by the  
27 trustees, and one representative of the Board of Governors of the  
28 California Community Colleges designated by the board.  
29 Representatives of the regents, the trustees, and the board of  
30 governors shall be chosen from among the appointed members of  
31 their respective boards, but in no instance shall an ex officio  
32 member of a governing board serve on the commission.

33 (b) One representative of the independent California colleges  
34 and universities that are formed and operated as nonprofit  
35 corporations in this state and are accredited by a regional  
36 association that is recognized by the United States Department of  
37 Education. This member shall be appointed by the Governor from  
38 a list or lists submitted by an association or associations of those  
39 institutions.

1 (c) The President of the State Board of Education or his or her  
2 designee from among the other members of the board.

3 (d) Nine representatives of the general public appointed as  
4 follows: three by the Governor, three by the Senate Rules  
5 Committee, and three by the Speaker of the Assembly. It is the  
6 intent of the Legislature that the commission be broadly and  
7 equitably representative of the general public in the appointment  
8 of its public members and that the appointing authorities,  
9 therefore, shall confer to assure that their combined appointments  
10 include adequate representation on the basis of sex and on the basis  
11 of the significant racial, ethnic, and economic groups in the state.

12 (e) Two student representatives, each of whom shall be  
13 enrolled at a California postsecondary education institution at the  
14 time of appointment and during the term of service, except that a  
15 student member who graduates from an institution with no more  
16 than six months of his or her term remaining shall be permitted to  
17 serve for the remainder of the term. The Governor shall appoint the  
18 student members from persons nominated by the appropriate  
19 student organizations of each of the postsecondary education  
20 segments. For each student member of the commission, the  
21 appropriate student organization may submit a list of nominees.  
22 The list shall specify not less than three and not more than five  
23 nominees. The appropriate student organization for each segment  
24 shall be a composite group of at least five representative student  
25 government associations, as determined by the commission.

26 (f) The student member appointed to the commission shall not  
27 be enrolled in the same segment as the outgoing student member  
28 or in the same segment of the other sitting student member.

29 (g) No person who is employed by any institution of public or  
30 private postsecondary education shall be appointed to or serve on  
31 the commission, except that a person who is not a permanent,  
32 full-time employee and who has part-time teaching duties that do  
33 not exceed six hours per week may be appointed to and serve on  
34 the commission.

35 (h) (1) The commission members designated in subdivisions  
36 (a) and (d) shall serve at the pleasure of their respective appointing  
37 authorities. The member designated in subdivision (b) shall serve  
38 a three-year term. The members designated in subdivision (d) shall  
39 each serve a six-year term. The members designated in subdivision  
40 (e) shall each serve a two-year term. The respective appointing

1 authority may appoint an alternate for each member who may,  
2 during the member's absence, serve on the commission and vote  
3 on matters before the commission. When vacancies occur prior to  
4 expiration of terms, the respective appointing authority may  
5 appoint a member for the remainder of the term.

6 (2) Any person appointed pursuant to this section may be  
7 reappointed to serve additional terms.

8 (3) All terms subsequent to the initial appointments, which  
9 became effective on January 10, 1974, shall begin on January 1 of  
10 the year in which the respective terms are to start.

11 (4) Any person appointed pursuant to this section who no  
12 longer has the position that made him or her eligible for  
13 appointment may nonetheless complete his or her term of office on  
14 the commission.

15 (i) No person appointed pursuant to this section shall, with  
16 respect to any matter before the commission, vote for or on behalf  
17 of, or in any way exercise the vote of, any other member of the  
18 commission.

19 (j) (1) The commission shall meet as often as it deems  
20 necessary to carry out its duties and responsibilities.

21 (2) Any member of the commission who in any calendar year  
22 misses more than one-third of the meetings of the full commission  
23 forfeits his or her office, thereby creating a vacancy.

24 (k) (1) The commission shall select a chair from among the  
25 members representing the general public. The chair shall hold  
26 office for a term of one year and may be selected to successive  
27 terms.

28 (2) In addition to the advisory committee established by  
29 Section 66901.3, the commission may appoint any subcommittees  
30 or advisory committees it deems necessary to advise the  
31 commission on matters of educational policy. The advisory  
32 committees may consist of commission members or nonmembers,  
33 or both, including students, faculty members, segmental  
34 representatives, governmental representatives, and  
35 representatives of the public.

36 (3) The commission shall appoint and may remove a director  
37 in the manner hereafter specified. The director shall appoint  
38 persons to any staff positions the commission may authorize.



(l) The commission shall prescribe rules for the transaction of its own affairs. These rules shall be subject to all the following requirements and limitations:

(1) The votes of all representatives shall be recorded.

(2) Effective action shall require the affirmative vote of a majority of all the duly appointed members of the commission, not including vacant commission seats.

(3) The affirmative votes of two-thirds of all the duly appointed members of the commission, not including vacant commission seats, shall be necessary to the appointment of the director.

SEC. 28. Section 66901.3 is added to the Education Code, to read:

66901.3. (a) An advisory committee to the commission and the director is established. All of the following are members of the advisory committee:

(1) The Chancellor of the California Community Colleges.

(2) The Chancellor of the California State University.

(3) The President of the University of California.

(4) The President of the Association of Independent California Colleges and Universities.

(5) The Superintendent of Public Instruction.

(b) Any member of the advisory committee may designate an executive-level staff person to participate in meetings and other activities of the advisory committee as his or her representative.

(c) Commission agenda items and associated documents shall be provided to the advisory committee in a timely manner for its consideration and comments.

SEC. 29. Section 66902 of the Education Code is amended to read:

66902. (a) The commission is authorized to require the governing bodies and institutions of each segment of public postsecondary education to submit data on any matters deemed pertinent by the commission.

(b) Each fiscal year, immediately prior to the deliberations of the Legislature relating to the budget for the segments of public postsecondary education, the commission shall submit a report to the respective chairs of the budget committees of the houses of the Legislature and to the Legislative Analyst regarding the record of the various segments in responding to the commission's requests for information.

(c) The commission shall furnish timely information in response to requests of the Governor or the Legislature .

SEC. 30. Section 66903 of the Education Code is repealed.

SEC. 31. Section 66903.2 of the Education Code is repealed.

SEC. 32. Section 66941 of the Education Code is amended to read:

66941. The Legislature finds and declares that access to a high quality education is the primary goal for the use of educational technology in higher education. All students in California's public schools and colleges and all adults in the state shall have access to educational opportunities for which they are qualified, regardless of their income level, geographic location, or the size of the school they attend.

SEC. 33. Section 69563 of the Education Code is repealed.

~~SEC. 34. Section 70900 of the Education Code is amended to read:~~

~~70900. There is hereby created, as a public trust, the California Community Colleges, a postsecondary education system consisting of community college districts heretofore and hereafter established pursuant to law and the Board of Governors of the California Community Colleges. The board of governors shall carry out the functions specified in Section 70901, and local districts shall carry out the functions specified in Section 70902.~~

~~SEC. 35.—~~

SEC. 34. Section 70901 of the Education Code is amended to read:

70901. (a) ~~(1)~~—The Board of Governors of the California Community Colleges shall provide leadership and direction in the continuing development of the California Community Colleges as an integral and effective element in the structure of public higher education in the state.

~~(2) The board of governors shall accomplish all of the following:~~

~~(A) education in the state. The work of the board of governors shall, at all times, be directed to maintaining and continuing, to the maximum degree permissible, local authority and control in the administration of the California Community Colleges, except in those areas explicitly assigned to the board of governors under paragraphs (3) to (8), inclusive, of subdivision (b).~~

1     **(b)** *Subject to, and in furtherance of, subdivision (a), and in*  
2 *consultation with community college districts and other interested*  
3 *parties as specified in subdivision (c), the board of governors shall*  
4 *perform the following functions:*

5     **(1)** Exercise general supervision over, and coordinate, the local  
6 community college districts, *including the provision of assistance*  
7 *when community college districts encounter severe management*  
8 *difficulties.*

9     ~~**(B)**~~

10    **(2)** Provide leadership and direction through research and  
11 planning.

12    ~~**(C)**~~

13    **(3)** Establish minimum conditions and standards for all  
14 districts to receive state support and to function within the system,  
15 *including standards for the formation of new community college*  
16 *districts and the reorganization of existing community college*  
17 *districts.*

18    ~~**(D)**~~

19    **(4)** Establish specific accountability measures, and ensure  
20 evaluation of district performance based on those measures.

21    ~~**(E)** Approve courses of instruction and educational programs~~  
22 ~~that meet local, regional, and state needs.~~

23    ~~**(F)**~~

24    **(5)** *Review and approve programs of instruction that lead to*  
25 *certificates, degrees, or transfer eligibility.*

26    **(6)** Administer state operational and capital outlay support  
27 programs.

28    ~~**(G)** Adopt a proposed system budget and allocation process.~~

29    ~~**(H)** Ensure systemwide articulation with other segments of~~  
30 ~~education.~~

31    ~~**(I)**~~

32    **(7)** *Adopt a proposed system budget and allocation process.*  
33 *The proposed budget shall include the student fee level deemed to*  
34 *be necessary by the board of governors.*

35    **(8)** *Ensure systemwide transfer and articulation with other*  
36 *segments of education.*

37    **(9)** Represent the districts before state and national legislative  
38 and executive agencies.

39    ~~**(b)** Subject to, and in furtherance of, subdivision (a), and in~~  
40 ~~consultation with community college districts and other interested~~

parties as specified in subdivision (e), the board of governors shall provide general supervision over community college districts, and shall, in furtherance thereof, perform the following functions:

(1) Establish minimum standards as required by law, including, but not limited to, the following:

(A) Minimum standards to govern student academic standards relating to graduation requirements and probation, dismissal, and readmission policies.

(B) Minimum standards for the employment of academic and administrative staff in community colleges.

(C) Minimum standards for the formation of community colleges and districts.

(D) Minimum standards for credit and noncredit classes.

(E) Minimum standards governing procedures established by governing boards of community college districts to ensure faculty, staff, and students the right to participate effectively in district and college governance, and the opportunity to express their opinions at the campus level and to ensure that these opinions are given every reasonable consideration, and the right of academic senates to assume primary responsibility for making recommendations in the areas of curriculum and academic standards.

(2) Evaluate and issue annual reports on the fiscal and educational effectiveness of community college districts according to outcome measures cooperatively developed with those districts, and provide assistance when districts encounter severe management difficulties.

(3) Conduct necessary systemwide research on community colleges and provide appropriate information services, including, but not limited to, definitions for the purpose of uniform reporting, collection, compilation, and analysis of data for effective planning and coordination, and dissemination of information.

(4) Provide representation, advocacy, and accountability for the California Community Colleges before state and national legislative and executive agencies.

(5) Administer state support programs, both operational and capital outlay, and those federally supported programs for which the board of governors has responsibility pursuant to state or federal law. In so doing, the board of governors shall do the following:

~~(A) (i) Annually prepare and adopt a proposed budget for the California Community Colleges. The proposed budget shall, at a minimum, identify the total revenue needs for serving educational needs within the mission, the amount to be expended for the state general apportionment, the amounts requested for various categorical programs established by law, the amounts requested for new programs and budget improvements, and the amount requested for systemwide administration.~~

~~(ii) The proposed budget for the California Community Colleges shall be submitted to the Department of Finance in accordance with established timelines for development of the annual Budget Bill.~~

~~(B) To the extent authorized by law, establish the method for determining and allocating the state general apportionment.~~

~~(C) Establish space and utilization standards for facility planning in order to determine eligibility for state funds for construction purposes.~~

~~(6) Establish minimum conditions entitling districts to receive state aid for support of community colleges. In so doing, the board of governors shall establish and carry out a periodic review of each community college district to determine whether it has met the minimum conditions prescribed by the board of governors.~~

~~(7) Coordinate and encourage interdistrict, regional, and statewide development of community college programs, facilities, and services.~~

~~(8) Facilitate articulation with other segments of higher education with secondary education.~~

~~(9) Review and approve comprehensive plans for each community college district. The plans shall be submitted to the board of governors by the governing board of each community college district.~~

~~(10) Review and approve all educational programs offered by community college districts, and all courses that are not offered as part of an educational program approved by the board of governors.~~

~~(11) Exercise general supervision over the formation of new community college districts and the reorganization of existing community college districts, including the approval or disapproval of plans therefor.~~

1 ~~(12) Notwithstanding any other provision of law, be solely~~  
2 ~~responsible for establishing, maintaining, revising, and updating,~~  
3 ~~as necessary, the uniform budgeting and accounting structures and~~  
4 ~~procedures for the California Community Colleges.~~

5 ~~(13) Establish policies regarding interdistrict attendance of~~  
6 ~~students.~~

7 ~~(14) Advise and assist governing boards of community college~~  
8 ~~districts on the implementation and interpretation of state and~~  
9 ~~federal laws affecting community colleges.~~

10 ~~(15) Contract for the procurement of goods and services, as~~  
11 ~~necessary.~~

12 ~~(16) Carry out other functions as expressly provided by law.~~

13 (c) Subject to, and in furtherance of, subdivision (a), the board  
14 of governors shall have full authority to adopt rules and regulations  
15 necessary and proper to execute the functions specified in this  
16 section as well as other functions that the board of governors is  
17 expressly authorized by statute to regulate.

18 (d) Wherever in this section or any other statute a power is  
19 vested in the board of governors, the board of governors, by a  
20 majority vote, may adopt a rule delegating that power to the  
21 chancellor, or any officer, employee, or committee of the  
22 California Community Colleges, or community college district, as  
23 the board of governors may designate. However, the board of  
24 governors shall not delegate any power that is expressly made  
25 nondelegable by statute. Any rule delegating authority shall  
26 prescribe the limits of delegation.

27 (e) In performing the functions specified in this section, the  
28 board of governors shall establish and carry out a process for  
29 consultation with institutional representatives of community  
30 college districts so as to ensure their participation in the  
31 development and review of policy proposals. The consultation  
32 process shall also afford community college organizations, as well  
33 as interested individuals and parties, an opportunity to review and  
34 comment on proposed policy before it is adopted by the board of  
35 governors.

36 *SEC. 35. Section 70901.5 of the Education Code is amended*  
37 *to read:*

38 70901.5. (a) The board of governors shall establish  
39 procedures for the adoption of rules and regulations governing the

1 California Community Colleges. Among other matters, the  
2 procedures shall implement the following requirements:

3 (1) Written notice of a proposed action shall be provided to  
4 each community college district and to all other interested parties  
5 and individuals, including the educational policy and fiscal  
6 committees of the Legislature and the Department of Finance, at  
7 least 45 days in advance of adoption. The regulations shall become  
8 effective no earlier than 30 days after adoption.

9 (2) The proposed regulations shall be accompanied by an  
10 estimate, prepared in accordance with instructions adopted by the  
11 Department of Finance; *a determination* of the effect of the  
12 proposed regulations with regard to the costs or savings to any state  
13 agency, the cost of any state-mandated local program as governed  
14 by Part 7 (commencing with Section 17500) of Division 4 of Title  
15 2 of the Government Code, any other costs or savings of local  
16 agencies, and the costs or savings in federal funding provided to  
17 state agencies. *The board of governors shall use the consultation*  
18 *process established pursuant to subdivision (b) of Section 70901*  
19 *in developing the determination under this subdivision.*

20 (3) The board of governors shall ensure that all proposed  
21 regulations of the board meet the standards of “necessity,”  
22 “authority,” “clarity,” “consistency,” “reference,” and  
23 “nonduplication,” as those terms are defined in Section 11349 of  
24 the Government Code. A district governing board or any other  
25 interested party may challenge any proposed regulatory action  
26 regarding the application of these standards.

27 (4) Prior to the adoption of regulations, the board of governors  
28 shall consider and respond to all written and oral comments  
29 received during the comment period.

30 (5) The effective date for a regulation shall be suspended if,  
31 within 30 days after adoption by the board of governors, at least  
32 two-thirds of all governing boards vote, in open session, to  
33 disapprove the regulation. With respect to any regulation so  
34 disapproved, the board of governors shall provide at least 45  
35 additional days for review, comment, and hearing, including at  
36 least one hearing before the board itself. After the additional  
37 period of review, comment, and hearing, the board may do any of  
38 the following:

39 (A) Reject or withdraw the regulation.



(B) Substantially amend the regulation to address the concerns raised during the additional review period, and then adopt the revised regulation. The regulation shall be treated as a newly adopted regulation, and shall go into effect in accordance with those procedures.

(C) Readopt the regulation as originally adopted, or with those nonsubstantive, technical amendments deemed necessary to clarify the intent of the original regulation. If the board of governors decides to readopt a regulation, with or without technical amendments, it shall also adopt a written declaration and determination regarding the specific state interests it has found necessary to protect by means of the specific language or requirements of the regulation. A readopted regulation may then be challenged pursuant to existing law in a court of competent jurisdiction, and shall not be subject to any further appeal within the California Community Colleges.

(6) ~~As~~ (A) *It is the intent of the Legislature to appropriate in the annual Budget Act funds for the purpose of offsetting net cumulative costs of regulations adopted by the board pursuant to this division. The board of governors may consider the net cumulative costs or savings to local districts of regulations proposed in a fiscal year.*

(B) ~~As to any regulation which that the Department of Finance~~ *As to any regulation which the Department of Finance board of governors determines would create a state-mandated local program cost, the board of governors shall not adopt the regulation until the Department of Finance has certified to the board of governors and to the Legislature that a source of funds is available to reimburse that cost.*

(7) (A) *The Legislature finds and declares that, pursuant to Section 6 of Article XIII B of the California Constitution, a subvention of funds need not be provided for either of the following mandates:*

(i) *Mandates requested by the affected local agency.*

(ii) *Mandates enacted prior to January 1, 1975, or executive orders or regulations initially implementing legislation enacted prior to January 1, 1975.*

(B) *Notwithstanding Chapter 4 (commencing with Section 17550) of Part 7 of Division 4 of the Government Code, the action of the board of governors regarding regulations adopted pursuant to this section or pursuant to these exceptions shall be*

*determinative with respect to the requirements of Section 6 of Article XIII B of the Constitution, and shall not be subject to review by the Commission on State Mandates. In exercising this responsibility, the board of governors shall make its determinations in accordance with Section 17556 of the Government Code and in a manner consistent with the rules, standards, and precedential decisions of the Commission on State Mandates.*

(8) Any district or other interested party may propose a new regulation or challenge any existing regulation.

(b) Except as expressly provided by this section, and except as provided by resolution of the board of governors, the provisions of Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code shall not apply to regulations adopted by the board of governors.

SEC. 36. Section 70902 of the Education Code is amended to read:

70902. (a) (1) Every community college district shall be under the control of a board of trustees, which is referred to herein as the “governing board.” The governing board of each community college district shall establish, maintain, operate, and govern one or more community colleges in accordance with law. In so doing, the governing board may initiate and carry on any program, activity, or may otherwise act in any manner that is not in conflict with or inconsistent with, or preempted by, any law and that is not in conflict with the purposes for which community college districts are established.

(2) The governing board of each community college district shall establish rules and regulations not inconsistent with the regulations of the board of governors and the laws of this state for the government and operation of one or more community colleges in the district.

(b) In furtherance of the provisions of subdivision (a), the governing board of each community college district shall do all of the following:

(1) Establish, maintain, and oversee each college of the district.

(2) Ensure that the district meets the minimum conditions and standards established by the board of governors.



1 (3) Establish policies for local academic, operations, and  
2 facilities planning *and management* to ensure that the statutory  
3 mission is accomplished within the conditions and standards  
4 established by the board of governors.

5 (4) Adopt local district budgets, *including the establishment of*  
6 *student fees as set by the board of governors and authorized by*  
7 *existing law.*

8 (5) Oversee the procurement and management of the real  
9 property of the district.

10 (6) Establish policies governing student conduct.

11 (7) Establish policies to guide new course development, course  
12 revision or deletion, and curricular quality.

13 (8) *Determine the need for elections for tax levies and bond*  
14 *measures, and request that those elections be called.*

15 (9) *Employ and assign all personnel consistent with the*  
16 *minimum standards adopted by the board of governors, and*  
17 *establish employment practices, salaries, and benefits for all*  
18 *employees consistent with the requirements of state law.*

19 (c) In carrying out the powers and duties specified in  
20 subdivision (b) or other provisions of statute, the governing board  
21 of each community college district shall have full authority to  
22 adopt rules and regulations, not inconsistent with the regulations  
23 of the board of governors and the laws of this state, that are  
24 necessary and proper to executing these prescribed functions.

25 (d) Wherever in this section or any other statute a power is  
26 vested in the governing board, the governing board of a  
27 community college district, by majority vote, may adopt a rule  
28 delegating the power to the district's chief executive officer or any  
29 other employee or committee as the governing board may  
30 designate; provided, however, that the governing board shall not  
31 delegate any power that is expressly made nondelegable by statute.  
32 Any rule delegating authority shall prescribe the limits of the  
33 delegation.

34 SEC. 37. Section 71000 of the Education Code is amended to  
35 read:

36 71000. (a) There is in the state government a Board of  
37 Governors of the California Community Colleges, consisting of  
38 20 voting members and one nonvoting member.

39 (b) Sixteen of the voting members, and the nonvoting member,  
40 shall each be appointed by the Governor, as follows:

1 (1) Thirteen members, each appointed with the advice and  
2 consent of two-thirds of the membership of the Senate to six-year  
3 staggered terms. Two of these members shall be current or former  
4 elected members of local community college district governing  
5 boards.

6 (2) (A) (i) One voting student member, and one nonvoting  
7 student member, who exercise their duties in accordance with the  
8 procedure set forth in subparagraph (C).

9 (ii) These students shall be enrolled in a community college  
10 with a minimum of five semester units, or its equivalent, at the time  
11 of the appointment and throughout the period of their terms, or  
12 until a replacement has been named. A student member shall be  
13 enrolled in a community college at least one semester prior to his  
14 or her appointment, and shall meet and maintain the minimum  
15 standards of scholarship prescribed for community college  
16 students.

17 (iii) Each student member shall be appointed from a list of  
18 names of at least three persons submitted to the Governor by the  
19 California Student Association of Community Colleges.

20 (B) The term of office of one student member of the board shall  
21 commence on July 1 of an even-numbered year and expire on June  
22 30 two years thereafter. The term of office of the other student  
23 member of the board shall commence on July 1 of an  
24 odd-numbered year and expire on June 30 two years thereafter.  
25 Notwithstanding subparagraph (A), a student member who  
26 graduates from his or her college on or after January 1 of the  
27 second year of his or her term of office may serve the remainder  
28 of the term.

29 (C) During the first year of a student member's term, a student  
30 member shall be a member of the board and may attend all  
31 meetings of the board and its committees. At these meetings, a  
32 student member may fully participate in discussion and debate, but  
33 may not vote. During the second year of a student member's term,  
34 a student member may exercise the same right to attend meetings  
35 of the board, and its committees, and shall have the same right to  
36 vote as the members appointed pursuant to paragraphs (1) and (3).

37 (D) Notwithstanding subparagraph (C), if a student member  
38 resigns from office or a vacancy is otherwise created in that office  
39 during the second year of a student member's term, the remaining  
40 student member shall immediately assume the office created by



the vacancy and all of the participation privileges of the second-year student member, including the right to vote, for the remainder of that term of office.

(3) Two tenured faculty members from a community college, who shall be appointed for two-year terms. The Governor shall appoint each faculty member from a list of names of at least three persons furnished by the Academic Senate of the California Community Colleges. Each seat designated as a tenured faculty member seat shall be filled by a tenured faculty member from a community college pursuant to this section and Section 71003.

(c) The Governor, the Lieutenant Governor, *and* the Superintendent of Public Instruction, ~~and the Speaker of the Assembly~~ shall each serve, ex officio, as voting members of the board of governors.

SEC. 38. *Section 71090 of the Education Code is amended to read:*

71090. (a) The board shall appoint, *and fix the compensation of*, a chief executive officer, to be known as the Chancellor of the California Community Colleges, and ~~fix his or her compensation up to six deputy and vice chancellors.~~

(b) The chancellor shall execute the duties and responsibilities as may be delegated to him or her by the board. Whenever in this code a power is vested in the board, the board, by a majority vote, may adopt a rule delegating that power to the chancellor or any officer, employee, or committee as the board may designate. The rule shall prescribe the limits of the delegation.

SEC. 39. *Section 71090.5 of the Education Code is repealed.*

~~71090.5. In addition to the position authorized by subdivision (e) of Section 4 of Article VII of the California Constitution, the Governor, with the recommendation of the board of governors, shall appoint up to six deputy and vice chancellors, who shall be exempt from state civil service. The appointments shall not exceed an aggregate total of six, for both the positions of deputy and vice chancellor.~~

SEC. 40. *Section 71092 of the Education Code is amended to read:*

71092. (a) ~~The~~ *(1) It is the intent of the Legislature to compensate the employees of the Board of Governors of the California Community Colleges at a level comparable to the total*

1 *compensation paid to community college district employees who*  
2 *perform similar functions.*

3 (2) *In a manner consistent with the intent of the Legislature*  
4 *expressed in paragraph (1), the board of governors shall employ*  
5 *and fix the compensation, in accordance with law, of assistants,*  
6 *clerical, and other employees, including the managerial and*  
7 *professional employees that it appoints, as it deems necessary for*  
8 *the effective conduct of the work of the board and the chancellor's*  
9 *office.*

10 (3) *In accordance with Section 19825 of the Government Code,*  
11 *the Legislature specifically provides that the approval of the*  
12 *Department of Personnel Administration is not required for the*  
13 *implementation of this subdivision.*

14 (4) *Pursuant to Section 19818.14 of the Government Code, the*  
15 *Department of Personnel Administration shall designate the*  
16 *board of governors to allocate positions to the Personnel*  
17 *Classification Plan in accordance with Section 19818.6 of the*  
18 *Government Code.*

19 (b) Notwithstanding Section 19849.5 of the Government Code,  
20 the board of governors shall designate the headquarters for each of  
21 its employees, except as provided in Section 71004.

22 ~~SEC. 39.~~

23 ~~SEC. 41.~~ Section 87482.4 of the Education Code is amended  
24 to read:

25 87482.4. The Legislature finds and declares that, in the state's  
26 community college system, teaching constitutes a greater share of  
27 the faculty workload, as compared to the California State  
28 University or the University of California systems. California's  
29 community college system requires that a faculty member hold, as  
30 a basic qualification, a master's degree. Furthermore, the  
31 community college system uses a different professional review  
32 process, as compared to the California State University or the  
33 University of California systems.

34 ~~SEC. 40.~~

35 ~~SEC. 42.~~ Section 99181 of the Education Code is repealed.

36 ~~SEC. 41.~~

37 ~~SEC. 43.~~ Section 99182 of the Education Code is repealed.

38 ~~SEC. 42.~~

39 ~~SEC. 44.~~ Notwithstanding Section 17610 of the Government  
40 Code, if the Commission on State Mandates determines that this

1 act contains costs mandated by the state, reimbursement to local  
2 agencies and school districts for those costs shall be made pursuant  
3 to Part 7 (commencing with Section 17500) of Division 4 of Title  
4 2 of the Government Code. If the statewide cost of the claim for  
5 reimbursement does not exceed one million dollars (\$1,000,000),  
6 reimbursement shall be made from the State Mandates Claims  
7 Fund.

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